

STEPTOE & JOHNSON ^{LLP}
ATTORNEYS AT LAW

ET-7209

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April 29, 2008

Via Federal Express

Rebecca Jakes Dockter
Agency Legal Counsel
Montana Department of Fish, Wildlife & Parks
1420 East Sixth Ave.
P.O. Box 200701
Helena, MT 59620-0701

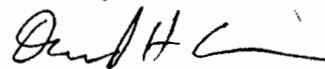
Dear Ms. Dockter:

This will follow up on our telephone conversation from earlier this month in which you advised that the Department would forward a letter to us by the end of this month setting forth the conditions that it proposes with respect to the issuance of an easement to Tongue River Railroad Company, Inc. ("TRRC"), as well as identifying any other issues that you believe merit discussion. We look forward to the receipt of that letter in the very near future.

As you know, and as I noted in my March 31 letter to you, the six month time frame contemplated by STB Mitigation Measure No. 86 for continuing consultations will expire on May 8, 2008. Given the approach of that date, and the possibility that we might not have resolved all outstanding issues by that date, I propose that we agree to an extension of the consultation period. On the assumption that we will receive your letter within the next day or two, I propose that we extend the period until June 9, 2008. Hopefully, this will allow sufficient time for us to engage on whatever remaining issues may need to be addressed and to either resolve them or, in the absence of resolution, place our differences before the STB.

I look forward to the Department's concurrence with this proposed extension of the consultation period or other response to this proposal.

Sincerely,



David H. Coburn
Attorney for Tongue River
Railroad Company, Inc.

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cc: Jeff Hagener, DFWP
Victoria Rutson, SEA
Kenneth Blodgett, SEA
Douglas Day, TRRC